

EXHIBIT “A”

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STEVEN MCDERMOTT and
STACEY MCDERMOTT
Plaintiffs,

v.

DOCKET NO: 04-CV-12253

FEDEX GROUND PACKAGE SYSTEMS,
INC., T.S. PRUITT, ALLEGIANCE
HEALTHCARE, INC., D. PONCE, E.W.
WYLIE CORPORATION, D.W. SMITH,
ARSENBERGER TRUCKING, INC., J.T.
FOSBRINK, RYDER TRUCK RENTAL,
LORRAINE ODZANA as
ADMINISTRATRIX OF THE ESTATE OF
JAMES J. ODZANA, SHORELINE
TRANSPORTATION, INC., JACLYN
PALETTA as ADMINISTRATRIX OF
THE ESTATE OF MARIO J. CASTRO
Defendants.

AFFIDAVIT OF STEPHEN BROOKS

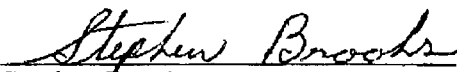
Stephen Brooks, being duly sworn, deposes and states under oath as follows:

1. I have personal knowledge regarding the facts set forth in this affidavit.
2. I am Vice-President of Arsenberger Trucking, Inc. I have been with the company for twenty years.
3. Arsenberger Trucking, Inc. is a trucking company incorporated in the State of Pennsylvania.
4. Arsenberger Trucking, Inc.'s principal place of business is located at 681 Mill Run Road, Mill Run, Pennsylvania.

5. Arsenberger Trucking, Inc. does not have a place of business in any other state.
6. Arsenberger Trucking, Inc. does not maintain an office in Massachusetts.
7. Arsenberger Trucking, Inc. is not registered as a foreign corporation in Massachusetts.
8. Arsenberger Trucking, Inc. does not maintain a physical presence in Massachusetts.
9. Arsenberger Trucking, Inc. does not maintain a telephone or telephone listing in Massachusetts.
10. Arsenberger Trucking, Inc. does not maintain a bank account or postal address in Massachusetts.
11. Arsenberger Trucking, Inc. does not and has never advertised or solicited business in Massachusetts.
12. In 2003, Arsenberger delivered to only one customer in Massachusetts. That customer was American Steel in Auburn, Massachusetts.
13. J.T. Fosbrink has been employed by Arsenberger Trucking from 1997 to the present. He is currently on leave due to advanced brain cancer.
14. J.T. Fosbrink is a lifelong resident of Pennsylvania.
15. J.T. Fosbrink does not engage in any business enterprise in Massachusetts.
16. J.T. Fosbrink has no contacts with Massachusetts.
17. On February 7, 2003, J.T. Fosbrink was an employee of Arsenberger Trucking, Inc. and was driving a tractor-trailer owned by Arsenberger Trucking, Inc.
18. On February 7, 2003, Fosbrink was making a delivery of steel coils, driving from Pittsburgh, Pennsylvania to Waterbury, Connecticut.
19. The steel coils being delivered by Fosbrink were obtained from Pittsburgh, Pennsylvania.
20. The steel coils being delivered by Fosbrink were destined for Waterbury, Connecticut.

21. The delivery being made by Fosbrink was not pursuant to any contract to provide goods or services in Massachusetts.
22. At no time on February 7, 2003, did Fosbrink travel through Massachusetts.
23. The only contact Arsenberger Trucking, Inc. currently has with Massachusetts is that it delivers steel coils to one Massachusetts customer: American Steel in Auburn, Massachusetts.
24. In 2004, Arsenberger delivered steel to a customer in Middleton, Massachusetts over a period of four months, and then stopped.
25. Arsenberger does not have now nor has it ever had any other contacts with the Commonwealth of Massachusetts.

Signed under the pains and penalties of perjuries this 27 day of July, 2007.


Stephen Brooks